

- Sub  
C1 ~~Q4~~
59. (New) The compound of claim 49, wherein  $R^2$  is alkyl.
60. (New) The compound of claim 49, wherein  $R^2$  is methyl.
61. (New) The compound of claim 49, wherein  $R^3$  is aryl.
- Sub  
C1
62. (New) The compound of claim 49, wherein  $R^3$  is phenyl.
- Sub  
B7
63. (New) The compound of claim 49, wherein  $R^1$  denotes H, alkyl, aryl, arylalkoxy, tosyl, formyl, benzoyl, acetyl or amino;  $R^2$  is alkyl; and  $R^3$  is aryl.
64. (New) The compound of claim 49, wherein  $R^1$  denotes H;  $R^2$  is alkyl; and  $R^3$  is aryl.
65. (New) The compound of claim 49, wherein  $R^1$  denotes tosyl;  $R^2$  is alkyl; and  $R^3$  is aryl.
66. (New) The compound of claim 49, wherein  $R^2$  and  $R^1$  are bonded to adjacent carbon atoms.
67. (New) The compound of claim 66, wherein  $R^1$  denotes H, alkyl, aryl, arylalkoxy, tosyl, formyl, benzoyl, acetyl or amino;  $R^2$  is alkyl; and  $R^3$  is aryl.

#### REMARKS

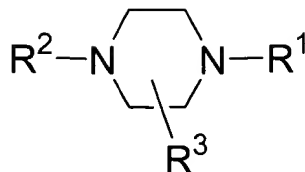
Claims 1-50 are pending in the application. Claims 37-48 and 50 have been canceled without prejudice. New claims 51-67 have been added.

The specification has been amended to indicate that  $R^1$  may denote H. Support for this amendment can be found, for example, in Example 2.

Claims 1-36 and 49 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner has objected to the words "substituted" and "amine." The phrase "substituted or unsubstituted" has been deleted from the claims. "Amine" has been amended to "amino". In view of these amendments, Applicant respectfully requests that the Examiner withdraw the rejections under §112.

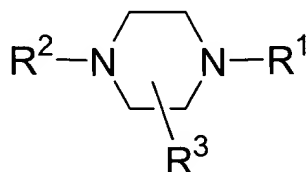
Claims 1, 2, 4-10, 19-20, 22-28 and 49 have been rejected under 35 U.S.C. §102(b) as being anticipated by Olivie. Claims 11-13 and 29-31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Olivie in view of Winkley. Claim 49 has been rejected under 35 U.S.C. §102(b) as being anticipated by Toda.

Olive does not recite a compound, or a method of making a compound, having the formula



wherein R<sup>1</sup> is H, alkoxy, aryl, aryloxy, or arylalkoxy, as recited in amended independent claims 1 and 49. Therefore, Applicant respectfully requests that the Examiner withdraw the rejections of claims 1 and 49. Winkley does not overcome the deficiencies of Olivie. In addition, because claims 2, 4-10, 11-13, 19, 20 and 22-31 each depend from claim 1, Applicant respectfully requests that the Examiner also withdraw the rejection of these claims.

Toda does not recite a compound having the formula



wherein R<sup>3</sup> alkoxy, aryl, aryloxy or arylalkoxy, as recited in amended claim 49. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claim 49.

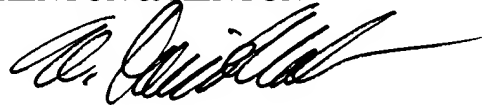
Claims 37-48 and 50 have been provisionally rejected for double patenting under 35 U.S.C. §101. This rejection has been obviated by the canceling of these claims. Applicant therefore respectfully requests withdrawal of this rejection.

**CONCLUSION**

In view of the foregoing amendments and remarks, an early and favorable action on the merits is earnestly solicited. The Examiner is invited to contact the undersigned attorney if such communication is believed to be helpful in advancing the examination of the present application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

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Dated: 2/11/02

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**MARKED-UP VERSION OF APPLICATION**

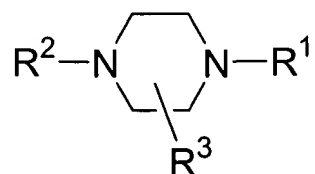
**IN THE SPECIFICATION**

Page 1, paragraph 1:

This application claims the benefit under 35 U.S.C. § 119(e) of U.S. Provisional application, Serial No. 60/130,048, filed April 19, 1999. This application is a continuation of application serial number 09/545,011, filed April 7, 2000.

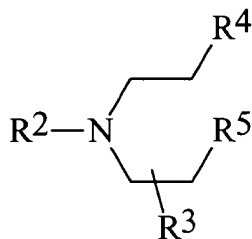
Page 2, paragraph 1:

The present invention relates to a novel process for preparing a compound of the formula I:



wherein

R<sup>1</sup> denotes substituted or unsubstituted hydrogen, alkyl, aryl, arylalkoxy, tosyl, formyl, benzoyl, acetyl or amine; R<sup>2</sup> denotes substituted or unsubstituted alkyl, alkoxy, aryl, aryloxy or arylalkoxy; and R<sup>3</sup> denotes substituted or unsubstituted alkyl, alkoxy, aryl, aryloxy or arylalkoxy; by reacting a compound of the formula



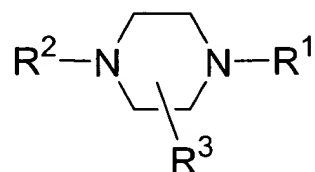
II

wherein R<sup>2</sup> and R<sup>3</sup> are as defined above and R<sup>4</sup> and R<sup>5</sup> are independently selected from the group consisting of fluoro, chloro, bromo and iodo,

with a compound of the formula  $H_2N-R^1$ , wherein  $R^1$  is as defined above. Preferably the reaction is performed in the presence of a solvent. Polar aprotic solvents such as, dimethyl formamide, dimethylacetamide and dimethylsulfoxide are preferred.

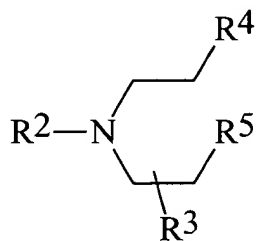
### IN THE CLAIMS

1. (Amended) A method for preparing a compound of the formula



wherein  $R^1$  denotes [substituted or unsubstituted] H, alkyl, aryl, arylalkoxy, tosyl, benzoyl, formyl, acetyl or [amine] amino, with the proviso that  $R^1$  does not denote -Ph-CH<sub>2</sub>-X, where X is hydroxy or a halogen;  $R^2$  denotes [substituted or unsubstituted] alkyl, alkoxy, aryl, aryloxy or arylalkoxy; and  $R^3$  denotes [substituted or unsubstituted alkyl,] alkoxy, aryl, aryloxy or arylalkoxy,

comprising the step of reacting a compound of the formula

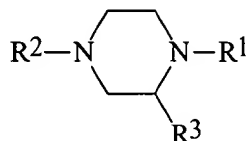


II

wherein  $R^2$  and  $R^3$  are as defined above and  $R^4$  and  $R^5$  are independently selected from the group consisting of fluoro, chloro, bromo and iodo,

with a compound of the formula  $H_2N-R^1$ , wherein  $R^1$  is as defined above.

19. (Amended) [A method for preparing a compound of] The method of claim 1, wherein the prepared compound has the formula:

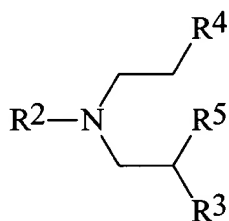


IV

[wherein  $R^1$  denotes substituted or unsubstituted alkyl, aryl, arylalkoxy, tosyl, formyl, benzoyl, acetyl or amine;  $R^2$  denotes substituted or unsubstituted alkyl, alkoxy, aryl, aryloxy or arylalkoxy; and  $R^3$  denotes substituted or unsubstituted alkyl, alkoxy, aryl, aryloxy or arylalkoxy,

comprising the step of reacting a compound of]

and wherein the reacting step comprises reacting a compound having the formula

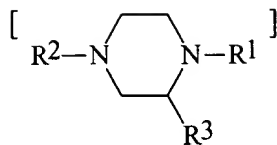


V

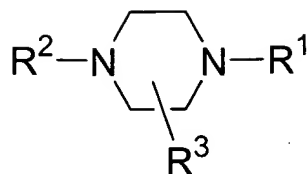
[wherein  $R^2$  and  $R^3$  are as defined above and  $R^4$  and  $R^5$  are independently selected from the group consisting of fluoro, chloro, bromo and iodo,]

with a compound of the formula  $H_2N-R^1$  [, wherein  $R^1$  is as defined above].

49. (Amended) A compound of the formula:



IV



wherein  $R^1$  denotes [substituted or unsubstituted] H, alkyl, aryl, arylalkoxy, tosyl, formyl, benzoyl, acetyl or [amine] amino, with the proviso that  $R^1$  does not denote -Ph-CH<sub>2</sub>-X, where X is hydroxy or a halogen;  $R^2$  denotes [substituted or unsubstituted] alkyl, alkoxy, aryl, aryloxy or arylalkoxy; and  $R^3$  denotes [substituted or unsubstituted alkyl,] alkoxy, aryl, aryloxy or [arylalkox] arylalkoxy.